



CHOATE HALL &amp; STEWART LLP

March 26, 2008

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BY HAND AND ELECTRONIC FILING

The Honorable Douglas P. Woodlock  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way, Suite 4110  
Boston, Massachusetts 02210

Re: John Hancock Life Insurance Company, *et al.*  
v. Abbott Laboratories  
U.S.D.C. (Mass.) Civil Action No. 05-11150-DPW

Dear Judge Woodlock:

Pursuant to the Order Regarding Post-Trial Submissions And Other Issues, dated March 14, 2008, John Hancock is delivering today two courtesy copies of the following:

- (a) Binder(s) containing the interlined trial affidavits (as admitted) and the interlined trial testimony for each of John Hancock's live witnesses called as part of its case-in-chief (*i.e.*, Mr. Stephen Blewitt, Dr. William Fairweather, Mr. Alan Friedman, Dr. Barry Gold, Mr. Mark Hair, Mr. Scott Hartz, Dr. Lynn Klotz, and Mr. Christopher Martinez);
- (b) Binder(s) containing the interlined deposition designations for the additional witnesses whose testimony is being submitted as part of John Hancock's case-in-chief;
- (c) A list of all of John Hancock's admitted trial exhibits with final exhibit numbers noted;
- (d) Binder(s) containing copies of all of John Hancock's admitted trial exhibits in seven volumes; and
- (e) A binder containing copies of nine (9) additional proposed trial exhibits that John Hancock wishes to offer and to which Abbott still objects to with provisional trial exhibit numbers as set forth in the chart included below (see Volume 8).

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With respect to John Hancock's admitted exhibits (items (c) and (d) above), the Court already admitted at trial Exhibit Nos. 1-2, 13, 16, 18, 20, 28, 32, 34, 43, and 61-331A. The remaining exhibits (*i.e.*, Nos. 3-12, 14-15, 17, 19, 21-27, 29-31, 33, 35-42, 44-60, 332-388, and 399-411) were not introduced formally during the trial of this matter. However, Abbott has no objection to the admission of these exhibits, and John Hancock therefore respectfully requests that they be admitted at this time.

To facilitate the Court's consideration of John Hancock's objected-to exhibits (item (e) above), Hancock respectfully refers Your Honor to the following chart, which sets forth the grounds for admission of each exhibit, as well as Abbott's objections:

Provisional Exhibit No.	Description	Abbott's Objection	Grounds for Admission
[389]	Email from Kathy Starkey to Chris Speh re Project Update dated June 19, 2000	Hearsay	Party Admission – FRE 801(d)(2)
[390]	ABT-594 Titration Optimization Initial Brainstorm Discussion, Agenda, January 23, 2001	Authentication/Hearsay (handwritten notes)	Party Admission – FRE 801(d)(2)
[391]	Email from Thomas E Woidat to Michael K Biarnesen re: ABT-594 2001 Transition Budget; ABT-594 Transition Proposal dated May 23, 2001	Multiple Documents	Party Admission – FRE 801(d)(2)
[392]	EXHIBIT WITHDRAWN	N/A	N/A
[393]	Global Pharmaceutical Research & Development, Hancock Collaboration, Spending by Program Chart dated January 10, 2005	Incomplete Hearsay Lack of Authentication Multiple Documents	Party Admission – FRE 801(d)(2); Business Record FRE 803(6)
[394]	Email from Chris Martinez to Michelle L. Campbell re Copies of Documents dated January 20, 2005	Hearsay	Non-Hearsay – FRE 801(a). Offered for notice to Abbott not for truth of the matter asserted.
[395]	Cholinergic Channel Modulator (ABT-594) 2000AGU Development cost Summary	Multiple Documents Incomplete	Party Admission – FRE 801(d)(2)
[396]	Building a World of Opportunities Together - Development portfolio review kick-off dated March 7, 2001	Hearsay	Party Admission – FRE 801(d)(2)(D); Business Record – FRE 902(11)
[397]	Confidential Overview of Abbott R&D Fact Pack - April 2001	Hearsay	Party Admission – FRE 801(d)(2)(D); Business Record – FRE 902(11)
[398]	Resource Allocation Across GPRD, Discussion Document dated May 5, 2001	Hearsay	Party Admission – FRE 801(d)(2)(D); Business Record – FRE 902(11)

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The parties await Your Honor's instructions regarding the Court's preferred procedure for addressing these proposed additional exhibits.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "B.A.D." or "B. A. D."

Brian A. Davis

cc: Jeffrey I Weinberger, Esq. (by electronic mail)  
Gregory D. Phillips, Esq. (by electronic mail)  
Eric J. Lorenzini, Esq. (by electronic mail)  
Özge Güzelsu, Esq. (by electronic mail)

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